

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JESSIHA LANCASTER,  
Plaintiff,

v.

HAROLD CLARK, *et al.*,  
Defendants.

Case No. C07-5251 RJB/KLS

ORDER STRIKING AMENDED  
COMPLAINT (DKT. # 80)

The Court previously granted Plaintiff's motion to amend (Dkt. # 51), thereby accepting the filing of Plaintiff's Amended Complaint (Dkt. # 58). Defendants filed their Answer to Plaintiff's Amended Complaint. (Dkt. # 62). The Court entered its Amended Pretrial Scheduling Order on October 22, 2007. (Dkt. # 82).

On October 18, 2007, Plaintiff filed what appears to be a duplicate copy of his Amended Complaint. (Dkt. # 80). As the Court has accepted Dkt. # 58 as Plaintiff's Amended Complaint and Defendants have filed their responsive pleading to the Amended Complaint, the filing of Dkt. # 80 is not necessary. In the event Plaintiff seeks to amend his complaint yet again, he did not seek leave of Court prior to the filing of this second amended complaint nor did he submit written consent of the adverse party.

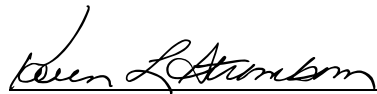
## II. DISCUSSION

Pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 15(a), "[a] party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served." Otherwise,

1 the party “may amend the party’s pleading only by leave of court or by written consent of the adverse party.”  
2 *Id.* Leave to amend “shall be freely given when justice so requires,” and “this policy is to be applied with  
3 extreme liberality.” *Id.*; *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9<sup>th</sup> Cir. 1990).  
4 After a responsive pleading has been filed, “leave to amend should be granted unless amendment would  
5 cause prejudice to the opposing party, is sought in bad faith, is futile, or creates undue delay.” *Martinez v.*  
6 *Newport Beach City*, 125 F.3d 777, 786 (9<sup>th</sup> Cir. 1997).

7 To the extent Dkt. # 80 is a duplicate of Dkt. # 58, it is redundant. To the extent Plaintiff seeks to  
8 file a second amended complaint, Plaintiff must first seek leave to file an amended complaint or submit  
9 the written consent of Defendants. Accordingly, Plaintiff’s Amended Complaint (Dkt. # 80) shall be  
10 **Stricken.**

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12 DATED this 6th day of November, 2007.

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16 Karen L. Strombom  
17 United States Magistrate Judge  
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